

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DIVISION OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	Chapter 13 Proceedings
LANDY, CHARLIE V.	§	
LANDY, PATRICIA A.	§	Case No. 03-54498-C
Debtor(s)	§	

**MOTION TO PERMANENTLY MODIFY CHAPTER PLAN, CURE PAYMENT
ARREARAGE AND AWARD SECOND REQUEST FOR ADDITIONAL ATTORNEY'S
FEES**

NOTICE OF OPPORTUNITY FOR HEARING

**AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED
HEREIN WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION AND
REQUEST FOR HEARING IS FILED WITH THE CLERK WITHIN TWENTY DAYS
AFTER THE DATE OF ISSUANCE OF THIS NOTICE. ANY SUCH OBJECTION
MUST ALSO BE SERVED UPON THE MOVING PARTY AND UPON ALL OTHER
PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS
PLEADINGS.**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Debtor (so denominated whether individuals or joint) and files this Debtor's Motion to Permanently Modify Chapter 13 Plan, Cure Payment Arrearage and Award Second Request for Additional Attorney's fees. As grounds for this request, Debtor would show as follows:

I.

GROUND FOR MODIFICATION

Debtor would show that Debtor's plan payment will decrease to \$411.00 per month from \$828.00 per month due to the automatic stay lifting on the homestead. Attached are debtor's original schedules "I" and "J" and Debtor's amended schedules "I" and "J".

II.

CURE OF ARREARAGE

Debtor will resume making regular payments to the Chapter 13 Trustee in December 2006 and would request that the plan payment arrearage that exists as of November 2006 (if any) be cured by adding the arrearage to the end of Debtor's Chapter 13 Plan and extending the Plan as required. The plan was originally scheduled to run sixty-two months (may include prior modifications and/or moratoriums). Twenty-five months remain. This modification will not extend the plan beyond sixty-two months. Debtors seem to be current with the payments to the Trustee at this time.

III.

PLAN MODIFICATION REQUESTED

Debtor would request that Debtor's Plan payment will decrease to \$411.00 per month beginning December 2006 and that priority and secured creditors be paid or dealt with as follows: Countrywide Home Loans to be paid a total of \$0.00 plus 0% interest at \$0.00 per month (Automatic Stay Lifted); US Dept. Of HUD to be paid a total of \$0.00 plus 0% interest at \$0.00 per month; Allied Interstate to be paid a total of \$3,222.13 plus 10% interest at \$175.00 per month and National Furniture to be paid a total of \$917.33 plus 12% interest at \$65.00 per month.

IV.

EFFECT OF MODIFICATION

All priority and secured creditors will be paid in full with a dividend of approximately two percent to unsecured creditors, which is more than unsecured creditors would receive if this case were converted to Chapter 7. It appears that there is either no non-exempt property or that the dividend to unsecured creditors exceeds the value of any non-exempt property.

V.

REQUEST FOR ADDITIONAL ATTORNEY'S FEES

Debtor would request that for the time and effort expended in the preparation and presentation of this Motion, the Law Office of Charles J. Bondurant be awarded additional

attorney's fees in the amount of \$500.00 to be paid as an administrative priority claim as agreed under the Plan. Supplemental Attorney's Fees Awarded post confirmation on this case are \$500.00 (Fee Application Motion to Lift 6/04).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Debtor prays that the Court approve this Motion to Permanently Modify Chapter 13 Plan and Award Second Request for Additional Attorney's Fees.

DATED: 11/6/06

Respectfully submitted,

LAW OFFICE OF CHARLES J. BONDURANT

11825 IH 10 W. Suite 202
San Antonio, Texas 78230
Telephone (210) 690-2700
Telecopier: (210) 691-2862

By: _____/s/ _____
CHARLES J. BONDURANT

ATTORNEY FOR DEBTOR(S)

CERTIFICATE OF SERVICE

On 11/8/06 a copy of the above and foregoing document was mailed to all parties listed on the attached mailing matrix and also to:

Marion A. Olson, Jr.
Chapter 13 Trustee
1020 NE Loop 410, Suite 800
San Antonio, Texas 78209

Mr. & Mrs. Charlie V. Landy
5911 Autumn Lake
San Antonio, Texas 78222

/s/
CHARLES J. BONDURANT

Alliance One
PO Box 3101
Southeastern, PA 19398-3101

Allied Interstate
50-62N 19th Avenue, Suite 102
Phoenix, AZ 85015

American Medical Response
Lardlan Medical Transportation
PO Box 847343
Dallas, TX 75284

Arrow Financial Services, LLC
5996 West Touhy Avenue
Niles, IL 60714-4610

Arrow Financial Services, LLC
PO Box 469005
Chicago, IL 60646-9005

Baptist Health System
PO Box 840333
Dallas, TX 75284-8333

Capital One
PO Box 34631
Seattle, WA 98124-1631

Charlie V. Landy
5911 Autumn Lake
San Antonio, TX 78222

Chrysler Financial
PO Box 5055
Southfield, MI 48086

Conn Credit Company
PO Box 2358
Beaumont, TX 77704

Countrywide Home Loans
7105 Corporate Drive
MS: PTX-B-65
Plano, TX 75024-3632

DEPT. OF HOUSING AND URBAN DEV
ALLIED INTERSTATE
PO BOX 530284
ATLANTA, GA. 30353-0284

Financial Recovery Services, Inc.
PO Box 385908
Minneapolis, MN 55438-5908

First Revenue Assurance
PO Box 34393
Seattle, WA 98124-1393

FMA Alliance, Ltd.
1811 North Freeway #900
Houston, TX 77060

Frost National Bank
Penn Credit Co.
PO Box 988
Harrisburg, PA 17108-0988

Hospatists of San Antonio
7300 San Pedro #405
San Antonio, TX 78216

Household Bank
Bankcard Services
PO Box 60102
City of Industry, CA 91716-0102

Internal Revenue Service
Attn: Special Procedures
300 E. 8th Street, STOP 5026AUS
Austin, TX 78701

IPC of Texas
PO Box 92729
Los Angeles, CA 90009-2729

ITT Financial
Asset Acceptance Corp.
PO Box 2036
Warren, MI 48090-2036

JC Penney's
PO Box 960001
Orlando, FL 32896-0001

Kevin Epstein
Chapter 11 Trustee
Office of the U.S. Trustee
P.O. Box 1539
San Antonio, Texas 78295-1539

MARION A OLSON
CHAPTER 13 TRUSTEE
1020 NE LOOP 410 #800
San Antonio, TX 78209

Meadowlawn Memorial Park
PO Box 200606
San Antonio, TX 78220-0606

National Furniture
2545 SW Military Drive
San Antonio, TX 78224

NCO Financial Systems, Inc.
PO Box 41417
Dept. 99
Philadelphia, PA 19101

NCO Financial Systems, Inc.
PO Box 41457
Philadelphia, PA 19101-1457

Northland Group, Inc.
PO Box 390846
Edina, MN 55439

Park Dansan
113 W. 3rd Avenue
PO Box 248
Gastonia, NC 28053

Patricia A. Landy
5911 Autumn Lake
San Antonio, TX 78222

Penn Credit Corporation
PO Box 988
Harrisburg, TX 17108-0988

Protection One
PO Box 79016
Phoenix, AZ 85062-9016

Providian Visa Card
PO Box 9539
Manchester, NH 03108-9539

Sears
86 Annex
Atlanta, GA 30386-0001

Smith, Roucher & Associates, Inc.
1456 Ellis Avenue
Jackson, MS 39204-2204

Spiegel Charge
FCNB Processing Center
9310 SW Gemini Drive
Beaverton, OR 97078-0001

Transworld Systems, Inc.
5880 Commerce Boulevard
Rohnert Park, CA 94928

US TRUSTEE
PO BOX 1539
SAN ANTONIO, TEXAS 78295-1539